

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

AMERICAN BANKERS ASSOCIATION,
THE FINANCIAL SERVICES ROUNDTABLE,
and CONSUMER BANKERS ASSOCIATION,

Plaintiffs,

versus

EDMUND G. BROWN JR., in his official
capacity as Attorney General of California,
WILLIAM S. HARAF, in his official capacity as
Commissioner of the Department of Financial
Institutions of the State of California,
PRESTON DUFAUCHARD, in his official
capacity as Commissioner of the Department
of Corporations of the State of California, and
STEVE POIZNER, in his official capacity as
Commissioner of the Department of Insurance
of the State of California,

Defendants.

Case No. 2:04-cv-00778 MCE KJM

**FINAL JUDGMENT AND
PERMANENT INJUNCTION**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

On remand from the United States Court of Appeals for the Ninth Circuit, this
Court enters the following final judgment and permanent injunction:

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1 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:


2 In accord with the decisions of the United States Court of Appeals for the Ninth
3 Circuit in *American Bankers Association, et al. v. Gould, et al.*, Nos. 04-16334 & 04-16560, 412
4 F.3d 1081 (2005), and *American Bankers Association, et al. v. Lockyer, et. al.*, Nos. 05-17163 &
5 05-17206, 541 F.3d 1214 (2008), Cal. Fin. Code § 4053(b)(1) is preempted by 15 U.S.C. §
6 1681t(b)(2) of the Fair Credit Reporting Act “insofar as it attempts to regulate the
7 communication between affiliates of ‘information,’ as that term is used in [15 U.S.C.] §
8 1681a(d)(1)” of the Fair Credit Reporting Act, 412 F.3d at 1087, and, to the extent that Cal. Fin.
9 Code § 4053(b)(1) is preempted, Defendants, as well as their successors and agents, are
10 permanently enjoined from enforcing, or taking any other action under Cal. Fin. Code
11 § 4053(b)(1).

12 Each party shall bear its own costs.

13 IT IS FURTHER ORDERED that the Court shall retain jurisdiction of this action
14 for purposes of enforcing the provisions of this Order.

15 IT IS SO ORDERED.

16 DATED: October 27, 2008

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18 MORRISON C. ENGLAND, JR.
19 UNITED STATES DISTRICT JUDGE
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